

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

CONSOLIDATED INDUSTRIES, LLC  
d/b/a WEATHER KING PORTABLE  
BUILDINGS,

Plaintiff,

v.

JESSE A. MAUPIN, BARRY D.  
HARRELL, ADRIAN S. HARROD,  
LOGAN C. FEAGIN, STEPHANIE L.  
GILLESPIE, RYAN E. BROWN,  
DANIEL J. HERSHBERGER, BRIAN  
L. LASSEN, ALEYNA LASSEN, and  
AMERICAN BARN CO., LLC,

Defendants.

Civil Action No. 1:22-cv-01230-STA-jay

District Judge Anderson

Magistrate Judge York

**MOTION TO WITHDRAW AS COUNSEL FOR THE ABCO DEFENDANTS**

Attorneys Thomas G. Pasternak and Benjamin S. Morrell (“Counsel”) of Taft Stettinius & Hollister LLP respectfully move to withdraw as counsel of record for Defendants Jesse A. Maupin, Barry D. Harrell, Adrian S. Harrod, Logan C. Feagin, Stephanie L. Gillespie, Ryan E. Brown, Daniel J. Hershberger, and American Barn Co., LLC (the “ABCO Defendants”), pursuant to Local Rule 83.5. The grounds for this motion are as follows:

1. Counsel have appeared on behalf of the ABCO Defendants in this lawsuit.
2. Tennessee Rule of Professional Conduct 1.16(b) states that a lawyer may withdraw

from the representation of a client if, among other things:

(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; [or]

(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client . . . .

Tenn. R. Prof'l Conduct 1.16(b).

3. Counsel have repeatedly communicated with the ABCO Defendants regarding the ABCO Defendants' failure to fulfill their obligations to Counsel. Despite these communications and the provision of a reasonable period of time to allow the ABCO Defendants to substantially fulfill their obligations, there has been no significant change in circumstance.

4. As a result, Counsel seek to withdraw from representation of the ABCO Defendants.

5. The Sixth Circuit has looked to rules of professional conduct in evaluating motions to withdraw as counsel filed under similar circumstances, and has held that "withdrawal is presumptively appropriate where the rule requirements are satisfied." *Brandon v. Blech*, 560 F.3d 536, 538 (6th Cir. 2009).

6. Counsel have satisfied the rule requirements by repeatedly communicating to the ABCO Defendants during this litigation that their failure to fulfill their obligations to Counsel would result in Counsel seeking to withdraw.

7. The undersigned is prepared to provide the Court with additional explanatory information regarding these unfulfilled obligations *in camera* if so requested.

8. Withdrawal of Counsel's appearance will not prejudice their clients as there is ample time to prepare for trial, currently set for October 30, 2025. (D.E. 150; D.E. 151.)

9. Thus, the ABCO Defendants have a reasonable opportunity to obtain replacement counsel prior to trial.

10. The name of substitute counsel is not known. Accordingly, pursuant to Local Rule

83.5, the names, addresses, and telephone numbers of the ABCO Defendants are set forth below. Additionally, the certificate of service accompanying this motion sets forth Counsel's efforts to serve this motion on the ABCO Defendants.

Jesse A. Maupin	8139 State Route 121 S., Murray, KY 42071 270-970-9453
Barry D. Harrell	3582 Old Newburg Rd., Murray, KY 42071 270-293-8285
Adrian S. Harrod	55 Nalonna Dr. Paris, TN 38242 731-3635-943
Logan C. Feagin	1131 Beech Grove Rd., Farmington, KY 42040 270-994-7886
Stephanie L. Gillespie	1308 E. Blythe St., Paris, TN 38242 931-237-6048
Ryan E. Brown	105 Doris Ct., Grants, NM 87020 719-373-8198
Daniel J. Hershberger	551 North Jackson, Wickenburg, AZ 85390 623-363-3997
American Barn Co., LLC	860 Cloverdale Trail, Murray, KY 42071 270-917-1534

11. Counsel have submitted a proposed order regarding this motion to the appropriate ECF mailbox.

For these reasons, Counsel respectfully request that the Court grant their motion and enter an order granting them leave to withdraw as counsel of record for the ABCO Defendants.

Date: August 18, 2025

Respectfully submitted,

/s/ Benjamin S. Morrell

Thomas G. Pasternak (admitted pro hac vice)

Benjamin S. Morrell (TBPR No. 35480)

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*Counsel for Defendants Maupin, Harrell, Harrod,  
Feagin, Gillespie, Brown, Hershberger, and American  
Barn Co., LLC*

**CERTIFICATE OF CONSULTATION**

In accordance with Local Rule 7.2(a)(1)(B), I certify that the undersigned counsel conferred with counsel for Plaintiff via email on August 17, 2025, regarding this motion, and Plaintiff's counsel responded that Plaintiff opposes the relief requested in this motion.

Date: August 18, 2025

/s/ Benjamin S. Morrell

**CERTIFICATE OF SERVICE**

I hereby certify that on the date listed below, I filed the foregoing document with the Clerk of the Court using the Court's CM/ECF filing system, which will send notice of such filing to all counsel of record. I further certify that on the date listed below, I sent the foregoing document to the following individuals at the addresses listed below via U.S. Mail first-class, postage prepaid, and via email at the email addresses listed below:

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Date: August 18, 2025

/s/ Benjamin S. Morrell